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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/076,552	02/19/2002	Joshua Charles Harrison	· ·	1793	
75	90 10/22/2003		EXAM	EXAMINER	
Joshua C. Harrison			BOTTORFF, CHRISTOPHER		
22091 Wood Island Lane Huntington Beach, CA 92646			ART UNIT	PAPER NUMBER	
•			3618		
			DATE MAILED: 10/22/2003	3	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Applicant(s) Applicant(s) Examiner Christopher Bottorff 31 tB 31 tB				S 10					
## Deficies Action Summary ## Deficies Action Summary ## Deficies Action Summary ## Deficies Action Summary ## Deficies On the cover sheet with the correspondence address ## Period for Reply ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## ## Browned for reply specified bear in less than the ring of dybes, a reply white the destination of bring (30) days will be considered fination. If the period for reply white the destination of the period of the reply will be destined plants for reply white the set of exhalted plants for reply will be destined plants. It is a state of the reply will be destined plants for the period of the reply will be destined plants. It is a state of the reply will be destined plants. It is a state of the reply will be destined plants. It is a state of the reply will be destined plants. It is a state of the reply will be destined. It is a state of the reply will be destined plants. It is a state of the reply will be destined. It is a state of the reply will be destined. It is a state of the reply will be destined. It is a state of the reply will be destined. It is a state of the reply will be destined. The reply will be destined plants. It is a state of the reply will be destined. The reply will be destined plants. It is a state of the reply will be destined. The reply will be destined plants. It is a state of the reply will be destined plants. It is a state of the reply will be destined. The reply will be destined the reply will be destined. The reply will be destined plants. The reply will be destined plants. The reply will be destined. The reply will be destined plants. The reply will be destined. The		Application No.	Applicant(s)						
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DETAILED ACTION

The preliminary amendment filed May 29, 2003 has been entered. Claims 1-19 are pending.

Election/Restrictions

Applicant's election with traverse of Species III depicted in Figures 11-14 and defined in claims 1 and 5-9 in Paper No. 10 is acknowledged. Claims 2-4 and 10-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Although claims 2-4 and 10-19 are withdrawn, they are not canceled and remain pending. Applicant timely traversed the restriction (election) requirement in Paper No. 10.

The traversal is on the ground(s) that independent claim 1 is allowable and generic to the species shown in Figures 3-16, independent claim 10 is allowable and generic to the species shown in Figures 17-19, and Species V depicted in Figures 17-19 is an obvious variant of Species I depicted in Figures 5-8. This is not found persuasive.

Applicant's admission that Species V, as depicted in Figures 17-19, is an obvious variant of Species I, as depicted in Figures 5-8, is acknowledged. Species I is now recognized as including the embodiments of Figures 5-8 and 17-19, which are not patentably distinct, and no embodiments are identified as Species V. However, Applicant elected Species III for examination, and the relationship of the embodiments depicted in Figures 5-8 and 17-19 is immaterial to the examination of Species III.

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Applicant's admission that claim 1 is generic to Species II-IV and the features of Species I depicted in Figures 5-8 is acknowledged. In the event that independent claim 1 is allowed in a form generic to these additional embodiments, dependent claims 2-4 will be rejoined and allowed. Furthermore, claim 1 is not allowable, as indicated in the below rejection.

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In addition, Applicant's admission that claim 10 defines the embodiment of Species I depicted in Figures 17-19 is acknowledged. Since claims 10-19 are not currently generic to elected Species III, claims 10-19 will not be rejoined unless they are amended such that they are generic to Species III. In the event that claims 10-19 are not amended to make them generic to Species III, allowance of the present application may be delayed pending the cancellation of these claims.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 19, 2002 was considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzhofer US 6,209,904 in view of Balmain US 5,782,475.

Schnitzhofer discloses a safety device on snowboarding equipment. The safety device comprises two binding support platforms 2a, 2b, 22 and a platform retention assembly 1a, 1b, 3a, 3b, 4, 12, 13a, 13b fastened to the snowboard, wherein a binding is fastened to each binding support platform respectively. See Figure 3. The platform retention assembly includes a plurality of preloaded compliant members 3a, 3b that form interfaces 22 with contours along the edges of the binding support platforms. See Figures 4 and 5. The platform retention assembly further includes a plurality of firm features 12 that contact firm mating features of the binding support platforms defined by the outer edges of the binding support platforms. See Figure 3. The firm features and firm mating features are arranged such that the contacts between them, when projected onto the plane of the snowboard, are all tangent about one mutual center point.

The platform retention assembly includes two distinct underlying plate pieces 1a, 1b that are each fastened to the snowboard. The firm features of the platform retention assembly are firm features of one or more of the plates that are components of the platform retention assembly. At least three preloaded compliant members are provided. Also, the contours include facets formed by a beveled surface along the lower edge of the contour that facilitate forcible reattachment of the binding support platforms onto the platform retention assembly. See Figure 7.

Schnitzhofer does not disclose one binding support platform to which both bindings are fastened. However, Balmain teaches that the practice of providing a

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binding support platform as one platform 100 to which two bindings are fastened was old and well known in the art at the time the invention was made. See column 4, lines 14-18, and Figure 1. From the teachings of Balmain, providing the two linked platforms of Schnitzhofer as one platform to which two bindings are fastened would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow the entire binding support platform to be attached to the platform retention assembly in one step, rather than having to manipulate two separate platforms.

Note that claiming the structure of the firm features with greater specificity would be favorably considered.

Allowable Subject Matter

Claim \leq is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beyl, Besser, Freegard, Erlebach, Jackson, Wulf, Marker, Solomon, Gertsch et al., Dennis, Besnier, Besnier et al., and Fauvet disclose safety devices for gliding boards.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Christopher Bottorff

Christer Betty

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